

REMARKS AND REQUEST FOR EXTENSION OF TIME

This reply responds to the Office Action dated June 27, 2011. Please extend the time in which to respond to the Office Action month, up to and including October 27, 2011. The fee associated with this request is enclosed herewith in the form of a Form PTO-238.

Response to Objections

1. Amendments to the Drawings

In the Office Action the Examiner has objected to all of the drawings because of poor quality lines. The Applicant has returned the drawings to the draftsman and obtained a new set of drawings. The Applicant has amended the application with Replacement drawing 1-5 in this regard. It is submitted that the new drawings are in conformance with 37 CFR 1.84(1).

The Examiner has objected to Fig. 3 because a line appears to be missing and accordingly the drawings are inconsistent. The applicant has added the line in Fig. 3 for consistency and it is submitted that the addition of this line does not alter the nature of the design.

The Examiner has also objected to Fig. 2 because it is inconsistent with Figs. 1 and Fig 3. The applicant agrees that the objection is well founded. The applicant has amended Fig. 2 so that it is consistent with the remainder of the figures, and in particular Figs. 1 and 3.

2. The Objection to the Title

While the applicant respectfully disagrees that the title selected is not appropriate, (see the following section), the Applicant is willing to amend the title to advance prosecution of the case. Accordingly the applicant has amended the title to reflect “pen.”

3. The Objections to the Specification

In view of the examiner’s objection, the applicant has amended the specification to remove the disclaimer and adopt the examiners suggested language.

4. Response to the Section 112 Rejection

The Examiner contends that Figs 2 and 6 depict different design than Figs 1 and 3. In Figs 1 and 3, the broken lines are structures not visible from the view depicted. Fig 2 and Fig 5 depict unclaimed spheres which represent an ink or oil that is dynamic and flows down the ramp surfaces when the pen has been inverted.

In any event the rejection is respectfully traversed. In this regard, it is important to understand that while Figs 1 and 3 are not drawn in elevation while Figs. 2 and 6 are in elevation. When viewed in elevation, the device appears symmetrical with a plurality of surfaces that ramps that have an overlapping portion at the ends (See fig 2). As such the overlapping “points to the triangular ramps are drawn with dotted lines in Figs 2 and 5. The ramps have planar top and bottom surfaces which cannot be seen in elevation and the shape of the ramp is a crescent or 1/2 circle that has a straight chord or edge that extends from the center dividing wall to the exterior of the barrel of the pen. This straight edge is the tip of the respective triangle depicted in Figs. 2 and 6. When the device is viewed from an angle, it becomes apparent that the planar ramps that appear to be triangles have a upper and lower curved surfaces that conform to the interior cylindrical wall (or barrel of the pen) and a straight rear surface that intersects with a center dividing wall. The center dividing

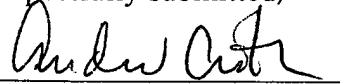
wall is best seen in Fig. 3. The center diving wall and exterior cylindrical walls are transparent that allow the inspection of the respective ramps.

In Fig. 1, since the angle in which the device is shown is more pronounced, it is may be difficult to understand the nature of the drawing but it is nevertheless correctly executed (as also represented by the draftsmen) . For example, the rear lowermost ramp – which is complementary to the front ramp but located on the rear side of the pen (and therefore higher in the drawing), is drawn substantially in phantom with dotted lines because the second ramp obscures the view of the rear first ramp. The same holds true with respect to the second rear ramp which is obscured by the third front ramp. Because of the view depicted, the ramps that are closer to the top of the pen are not so obscured and not drawn with dotted lines.

Conclusion

Wherefore, it is submitted that each of the objections and grounds of rejection has been addressed and the case is now in condition for allowance. If the Examiner believes that to would be helpful to discuss the application or inspect a physical embodiment of the design, counsel for the applicant can provide a specimen for the Examiner's inspection which may help in the interpretation of the drawings or be reached at the number found below.

Respectfully submitted,



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